

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

COLMAR PROPERTIES, LLC and
COLEMAN D. MOORE,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant

No. C-05-0912 MMC

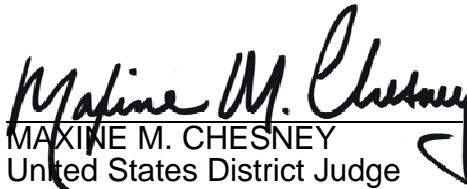
**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS FIRST AMENDED
COMPLAINT**

Before the Court is defendant's motion to dismiss plaintiff Colmar Properties, LLC's ("Colmar") First Amended Complaint for improper venue,¹ which motion is included in defendant's supplemental memorandum filed March 23, 2006. Colmar has filed a response, indicating that Colmar does not oppose dismissal for improper venue

Accordingly, defendant's motion is hereby GRANTED, and the First Amended Complaint is DISMISSED, without prejudice to Colmar's refileing its claims in the Eastern District of California.

IT IS SO ORDERED.

Dated: May 10, 2006


MAXINE M. CHESNEY
United States District Judge

¹The claims of the other named plaintiff, Coleman D. Moore, were dismissed by order filed March 21, 2006.